

Message Text

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67

ORIGIN L-03

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FM SECSTATE WASHDC

TO AMEMBASSY PRAGUE PRIORITY

C O N F I D E N T I A L STATE 137745

E.O. 11652: GDS

TAGS: PFOR, EFIN, L/C, CZ, US

SUBJECT: CLAIMS NEGOTTATIONS - AGREED ARTICLES

REF: PRAGUE'S 1481

1. RE PREAMBLE, WE PREFER ORIGINAL US LANGUAGE READING "ADVANCING ECONOMIC RELATIONS." THE REVISED LANGUAGE READING "ADVANCING ECONOMIC COOPERATION" DOES CONNOTE A SUBSTANTIVE CHANGE IN THAT BOTH LEGALLY AND POLITICALLY "ECONOMIC COOPERATION" WOULD REQUIRE STRONGER POSITIVE ECONOMIC TIES AND ACTIVITIES THAN AT PRESENT CONTEMPLATED BY THIS AGREEMENT OR OTHERWISE. FURTHERMORE, REFERENCE TO "ECONOMIC COOPERATION" IS INAPPOSITE IN A CLAIMS SETTLEMENT AGREEMENT.

2. RE ARTICLE 5, PARAGRAPH 2, FOR SAKE OF CONFORMITY AND CONSISTENCY, INSERT "CZECHOSLOVAK GOVERNMENT" VICE "GOVERNMENT OF CZECHOSLOVAKIA" IN THE SECOND REFERENCE TO THAT GOVERNMENT.

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3. RE ARTICLES 4 AND 5, WE PREFER FOLLOWING LANGUAGE:

"SUMS PAID TO THE GOVERNMENT OF THE UNITED STATES,"
RATHER THAN PROPOSED REVISED LANGUAGE "COMPENSATION
ACCEPTED BY THE GOVERNMENT OF THE UNITED STATES." ACCEPT
ADDING "UNDER THIS AGREEMENT." THEORETICALLY IT IS
POSSIBLE THAT "COMPENSATION ACCEPTED" MAY DIFFER IN
AMOUNT FROM "SUMS PAID" DUE TO POSSIBLE DEFAULT IN FUTURE.
US RIGHT OF DISPOSITION SHOULD EMBRACE ONLY SUMS ACTUALLY
PAID IN ORDER TO AVOID THIRD-PARTY CLAIM THAT US
OBLIGATION IS TO DISTRIBUTE AMOUNTS AGREED UPON. IN ANY
EVENT, SINCE MATTER IS ENTIRELY WITHIN COMPETENCE AND
JURISDICTION OF THE US, WE BELIEVE THAT THE CZECH
GOVERNMENT SHOULD DEFER TO US LANGUAGE. WE REALIZE THAT
RATIONALE MAY BE SENSITIVE TO THE CZECH GOVERNMENT AND
SHOULD BE HANDLED WITH DUE CONSIDERATION.

4. SUBJECT TO THE FOREGOING, DEPARTMENT CONCURS IN THE
REVISED LANGUAGE AS REQUESTED. SISCO

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